

October 23, 2006
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). Alderman MARTIN GIPSON was absent due to the death of his mother. City Clerk Diane Whitbey and City Attorney Paul Suskie were also present.

The invocation was given by Mayor Hays, followed by the pledge of allegiance to the flag which was also led by Mayor Hays.

On the motion of Alderman Witcher and seconded by Alderman Berry and by consent of all members present, the minutes of a regular council meeting held on Monday, October 9, 2006, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, communications # 1, 2, 3, 4 and 5 were accepted and filed (7/0).

1. Sabrina Washington, via U.S. Mail, Petition requesting Speed Hump on Lincoln Avenue (26 signatures).
2. Sharon Tedford, Mayor's Office memorandum re: application for Sunday Alcoholic Beverage Sales - Restaurant Mixed Drink permit for Montana Steakhouse, 4201 East McCain Boulevard, Suite 118, by Steve K. Im.
3. Sharon Tedford, Mayor's Office memorandum re: application for new Wholesale Liquor permit for Lee Edwards Distributing, LLC, 8030 Count Massie Road, Suite B, by Lee Saunders Edwards.
4. Bruno Kirsch, Jr., COO and Director of Watershed Management, Central Arkansas Water re: Tetra Tech, Inc. presentation to City Council, Monday, November 13, 2006.
5. Sharon Tedford, Mayor's Office memorandum re: application for Sunday Alcoholic Beverage Sales - on Premises Restaurant Wine and Beer permit for Dixie Cafe #116, 2724 Lakewood Village Place, by Gordon G. Gondek.

Mayor Hays advised a presentation will be made November 13, 2006, regarding communication #4.

Mayor Hays invited Mrs. Margaret Powell, Community Relations Director to come forward and introduce Mr. Mike Butner. Mrs. Powell said Mr. Butner's mother was City Treasurer for 23 years and his father was Postmaster. Mr. Butner presented a work of art, an American Eagle (2) to the Mayor. (Note: A similar Eagle (1) is on display at the William F. Jefferson Clinton Presidential Library in Little Rock). The William F. Casey Laman Library will display some of his artwork. Mayor Hays read a plaque to be displayed with the Eagle. Mr. Butner thanked Mr. Jeff Baskin, Library Director for accepting his work.

Mayor Hays invited Chief Danny Bradley, North Little Rock Police Department to come forward. He was accompanied by Captain Mike Davis, Leonard Montgomery, Dana Bowers, and Sergeant Kuykendall. Chief Bradley advised over 14,000 people attended an IACP International Conference in Boston, Massachusetts. The North Little Rock Police Department received a Community Policing Award and the Overall Excellence in Criminal Investigation Award during the conference. Mayor Hays thanked Chief Bradley and the Department for all of their hard work and congratulated them on the awards.

Mayor Hays invited Tom Wray, Engineer with Central Arkansas Water to come forward and provide a report regarding water line relocation of East Broadway. Mr. Wray advised bids are due October 31, 2006. The estimated cost of the project is \$4.4 million and will be completed in two phases.

Mayor Hays invited John and Thomas Pownall to come forward and provide a power point presentation regarding their recent inspection of the Redwood Tunnel and advised he had walked through the tunnel earlier in the day. The tunnel (which was built in 1911) was in remarkable shape considering its age and is functional at this time. Mr. Thomas Pownall advised Redwood Tunnel is 2,600' (or ½ mile) in length and is approximately 6 ½' wide and 7 ½' tall. The tunnel drains 8.8 square miles (or 5,600 acres) of the land within the city, which represents a large service area. Mr. Pownall began with a photograph of a gate in the tunnel which is there to prevent river water from backing up in the area at the beginning of the tunnel. Mayor Hays discussed the effects of flooding in May, 1990, at which time river water backed up in the tunnel and flooded the Dixie community. A levee has been built along Lincoln Avenue and will reduce the risk of future flooding in that area. Mr. Pownall advised there are 13 problem areas in the tunnel and provided an aerial illustration which included the sites (labeled "A" through "M"). The worst area ("D") had concrete breaking away and exposed rebar in the ceiling area. Area "I" had water seeping in through the top of the tunnel. A comparison was made to an inspection from 1982. The issues will need to be addressed in the future. Alderman Thomas asked about concerns from the U.S. Army Corps of Engineers.

Mayor Hays convened a public hearing at 7:41 p.m. regarding O-06-91, an ordinance amending Ordinance No. 7697 (the Zoning Ordinance) to add definitions and a new zoning classification. Mr. Robert Voyles, Planning Director came forward. Mayor Hays recessed the council meeting at 7:42 p.m. to allow Mr. Voyles time to set up a power point presentation. Mayor Hays reconvened the meeting at 7:49 p.m. Mr. Voyles proceeded without the power point and provided a verbal presentation regarding the proposed zoning classification (Traditional Neighborhood Development or TND). It would be similar to that of other cities. TND's are comprised of a mix of residential, office, commercial and open space to generate an enhanced living environment. Regulations would promote a compact, pedestrian friendly neighborhood where streets are designed to slow traffic and buildings are designed and oriented to enhance human interest. The ordinance includes a minimum development size, master plan, open space, permitted uses, residential and commercial building standards, variance and street design and more. There being no one else wishing to be heard, the public hearing was adjourned at 7:58 p.m.

There being no objection, O-06-91 was called.

O-06-91 (ORDINANCE NO. 7870 - MAYOR HAYS)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (THE ZONING ORDINANCE) TO ADD DEFINITIONS AND A NEW ZONING CLASSIFICATION (*Traditional Neighborhood Development - TND*); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times on October 9, 2006, was . A public hearing was held this date. The ordinance was read a third and final time. On the motion of Alderman Thomas and seconded by Alderman Bryant, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

UNFINISHED BUSINESS

O-06-77

AN ORDINANCE ESTABLISHING A LOW INCOME ELECTRIC CUSTOMER ASSISTANCE FUND FOR CUSTOMERS OF THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times on August 28, 2006, was read a third and final time September 11, 2006, and amended, was called and held at the request of the sponsor, Mayor Hays.

NEW BUSINESS

R-06-142 (RESOLUTION NO. 7015 - ALDERMAN GIPSON)

A RESOLUTION APPROPRIATING ADDITIONAL FUNDS FOR IMPROVEMENTS TO THE NORTH LITTLE ROCK COMMUNITY CENTER; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (7/0). Alderman Witcher recognized Mr. Barry Hyde who was present and will be the contractor on the project.

R-06-143 (RESOLUTION NO. 7016 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BIDS OF BKD, LLP TO PROVIDE AUDIT SERVICES FOR THE ELECTRIC AND UTILITIES ACCOUNTING FUNDS FOR THE YEARS 2006, 2007 AND 2008, AND OF WILCOX & BIVINGS TO PROVIDE AUDIT SERVICES FOR THE GENERAL AND RELATED FUNDS FOR THE YEARS 2006, 2007 AND 2008; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

O-06-97 (ORDINANCE NO. 7871 - MAYOR HAYS, ALDERMEN WITCHER AND BRYANT)

AN ORDINANCE AMENDING SECTION 10-70 OF THE NORTH LITTLE ROCK MUNICIPAL CODE (NLRMC) (*pertaining to reclamation fees and sterilization of animals*); AND DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the ordinance was amended as follows:: *Section 10-70 (2) c.* The fee ~~may~~ SHALL be waived by the Director of the Animal Shelter if the owner ~~agrees to sterilize~~ HAS PERMITTED the animal TO BE STERILIZED BEFORE DEPARTING THE ANIMAL SHELTER (7/0). Alderman Witcher

suggested making the effective date January 1, 2007. Alderman Bryant suggested either November 1, 2006 or December 1, 2006. Mr. Billy Grace, Director of Animal Control said there is a need for this to be effective as soon as possible. On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0).

O-06-98 (ORDINANCE NO. 7872 - ALDERMEN BERRY AND PARKER)
AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 5019 - 5021 TONKA TRAIL IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 TO R-3, TO RECOGNIZE AN EXISTING DUPLEX DWELLING, BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Parker, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Robert Kennedy*)

O-06-99 (ORDINANCE NO. 7873 - MAYOR HAYS)
AN ORDINANCE GRANTING A CONDITIONAL USE FOR A DAY CARE CENTER IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3603 HIGHWAY 161 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Amanda Hines*)

O-06-100 (ORDINANCE NO. 7874 - ALDERMAN BRYANT)
AN ORDINANCE ALLOWING A SPECIAL USE TO ALLOW A THERAPY CLINIC AND OFFICES IN AN R-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 123 WEST H STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (8/0). (*applicant: Arkansas Lymphedema and Physical Therapy Providers*)

O-06-101 (ORDINANCE NO. 7875 - ALDERMEN WITCHER AND HIGHT)
AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT THE NORTH END OF GLOVER LANE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM

THE PRESENT I-2 TO C-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Alderman Witcher advised a new hotel will be built on the site. On the motion of Alderman Hight and seconded by Alderman Witcher, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Herschel Bowman*)

O-06-102 (ORDINANCE NO. 7876 - ALDERMAN HIGHT AND WITCHER) AN ORDINANCE ALLOWING A SPECIAL USE FOR A DAY CARE CENTER IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5100 NORTH LOCUST STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. At the request of Alderman Hight, Alderman Witcher was added as a sponsor. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Hight and seconded by Alderman Witcher, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Cornerstone Learning Center*)

PUBLIC COMMENTS-----

Mayor Hays reminded everyone of the upcoming Brother Paul Fish Fry, Friday, October 27, 2006, at Alltel Arena. The North Little Rock Woman's Club Fall Follies will be November 4, 2006, at the Hays Center. Early voting for the upcoming General Election (Tuesday, November 7, 2006) began today at the Laman Library. Aldermen Gipson and Berry are not seeking reelection and will go off the council at the end of the year. Alderman Witcher, City Attorney Suskie and City Treasurer Mary Ruth Morgan are unopposed. Alderman Bryant said 184 Soccer Teams will be in North Little Rock this weekend playing in a tournament at the Burns Park Soccer Complex. Alderman Witcher said between 5,000 and 6,000 people would be in the area. Mayor Hays advised this will be North Little Rock *Times* reporter K. J. Longley's last council meeting as she is expecting the birth of her second child within the next 10 days. Mayor Hays thanked Mrs. Longley for covering city government and wished her well in the future. Alderwoman Robinson advised she is seeking reelection as Ward 2 Alderman and has been an advocate for people in the area and asked for everyone's vote. She was endorsed by Local 35 Fire Fighters Union and the Fraternal Order of Police. Mr. Tom Brown is a candidate for Alderman in Ward 1. He is a third generation resident of North Little Rock and would work tirelessly for the people of Ward 1 and the rest of the city. Mrs. Debi Ross is a candidate for Alderman in Ward 1, and wanted to reintroduce herself to everyone. Mr. Barry Hyde said he is the Democratic Candidate for State Representative District 40 and said he would work on education and economic development issues. He reviewed his credentials. He said the dropout rate of students in the North Little Rock School District, as well as the rest of the state is an issue and would work on pre-kindergarten programs and asked for everyone's vote November 7, 2006. Mr. Grace, advised North Little Rock Friends of Animals has purchased 40 prefabricated

assistance items to assist low-income and needy families with their dogs (due to the resent chaining ordinance). Mr. Cary Gaines is a candidate for Alderman in Ward 3. He advised he will work to revitalize the Levy area of the city and asked for everyone's vote. Mr. James (Jimmy) Ard is a candidate in Ward 3. He can do all of the things he has promised if elected and asked for everyone's vote. Mr. Scott Miller spoke for the Argenta neighborhood. He thanked the Ward 2 council members for getting signs in the neighborhood which identify the area. Mr. Miller said the Argenta Neighborhood Association has a website and blog for people to post information. The address is argentanews.com. He encouraged people to support their neighborhood associations. Mayor Hays said Argenta Place will be built soon across the street from City Hall and will contain a pub, offices and condominiums which could open early next year. The ballpark is progressing as well. Mayor Hays encouraged everyone to vote November 7, 2006.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the meeting adjourned at 8:30 p.m. (7/0), until the next regular meeting to be held on Monday, November 13, 2006, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS
ATTEST: DIANE WHITBEY, CITY CLERK